

11-08-86

PATENT  
02581-P0588B WWW/CHS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	Joseph H. Sklar
Application No. 09/612,055	Filing Date: July 7, 2000
Title of Application:	Ligament Shim
Confirmation No. 6809	Art Unit: 3732
Examiner	

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Request for Refund (37 C.F.R. 1.26)**

Dear Sir:

1. **Refund Request.** On July 7, 2000 Applicant properly claimed small entity status. On November 12, 2004 and April 25, 2006, Applicant inadvertently paid large entity fees as detailed in paragraph 2. These fees were paid in excess to the amount due as a small entity. This request for refund is made within two years of the date fees were paid in the amount of \$1,395.00.

2. **Fees Paid for which Refund is Requested:**

One half of Petition of the Extension of Time (three months) fee in the amount of \$ 980.00 filed November 12, 2004.


One half of the Request for Continued Examination fee in the amount of \$ 790.00 filed November 12, 2004.

One half of Petition of the Extension of Time (three months) fee in the amount of \$ 1,020.00 filed April 25, 2006.

3. **Deposit Account.** This is also a request to credit Account No. 19-4516 for this refund.

Respectfully submitted,

November 8, 2006



Wesley W. Whitmyer, Jr., Registration No., 33,558  
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Attorneys for Applicant  
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TRM 3732

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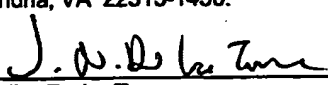
MAIL STOP AMENDMENT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

***Response Transmittal and  
Petition For Time Extension (37 CFR 1.136(A))***

1. This is a petition for an extension of the time for a total period of three months to respond to the Office Letter mailed on November 9, 2005.
2. A response in connection with the matter for which this extension is requested is filed herewith.
3. Calculation of extension fee (37 CFR 1.17). \$1,020.00 Extension Fee is due with this request.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents; Post Office Box 1450; Alexandria, VA 22313-1450.

April 25, 2006

  
Jadira De La Torre

04/28/2006 MWOLDGE1 00000001 09612055  
01 FC:1253 1020.00 OP

Adjustment date: 01/12/2007 SFELEKE1  
04/28/2006 MWOLDGE1 00000001 09612055  
01 FC:1253 -1020.00 OP

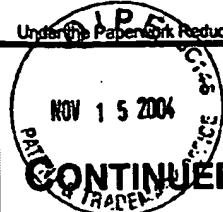
Refund Ref:  
01/12/2007 0030037121

Credit Card Refund Total: \$510.00

XXXXXXXXXX2004

01/12/2007 SFELEKE1 00000006 09612055 510.00 OP  
01 FC:2253

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of an utility or plant application filed on or after June 8, 1995  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/612,055
Filing Date	November 12, 2004
First Named Inventor	Joseph H. Sklar
Group Art Unit	3732
Examiner Name	Melba N. Bumgarner
Attorney Docket Number	02581-P0588B WWW/MWK

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

11/16/2004 RHEBRAHT 00000066-09612055

01 FC:1801 790.00-OP-

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103© for a period of \_\_\_\_\_ months. (Period of suspension shall be exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required.)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayment to Deposit Account No. 19-4516.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any Fee Deficiency
- b. ☒ Check in the amount of \$1770.00 is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Wesley W. Whitmyer, Jr.	Registration No (Attorney/Agent)	33,558
Signature		Date	November 12, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: November 12, 2004.

Name (Print / Type)	Lisa A. Evensen	Date	November 12, 2004
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

01/12/2007 SFELEKE1 00000005 09612055

01 FC:2801 395.00 OP

Repln. Ref: 01/12/2007 SFELEKE1 0008570200  
DA#:194516 Name/Number:09612055  
FC: 9204 \$885.00 CR

Adjustment date: 01/12/2007 SFELEKE1  
11/16/2004 RHEBRAHT 00000066 09612055  
01 FC:1801

-790.00 OP



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MAIL STOP FEE AMENDMENT  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

***Response Transmittal and  
Petition For Time Extension (37 CFR 1.136(A))***

Dear Sir:

1. This is a petition for an extension of the time for a total period of three (3) months to respond to the Office Letter mailed on June 2, 2004.
2. A response in connection with the matter for which this extension is requested is filed herewith.
3. Calculation of extension fee (37 CFR 1.17). \$980.00 Extension Fee is due with this request.

**Mailing Certificate:** I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Box RCE, Commissioner for Patents and Trademarks; Post Office Box 1450; Alexandria, VA 22313-1450.

November 12, 2004

  
Lisa A. Evensen

11/16/2004 RHEBRAHT 00000066 09612055

02 FC:1253 980.00 OP

Adjustment date: 01/12/2007 SFELEKE1  
11/16/2004 RHEBRAHT 00000066 09612055  
02 FC:1253 -980.00 OP

01/12/2007 SFELEKE1 00000005 09612055

02 FC:2253 490.00 OP